

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

THOMPSON HUNT AND ASSOCIATES, LTD.,
CARL ARNAL a/k/a MICHAEL J. COHEN,
CHRISTOPHER VAUGHAN, BROOKDALE
CONSULTANTS LLC, GROWTH POINT
CONSULTANTS, INC., DAMON ARTIS, AND
RICHARD GAVZIE,

Defendants.

24-CV-6035 (NRB)

[PROPOSED] CASE MANAGEMENT PLAN AND SCHEDULING ORDER

In accordance with Rule 26(f)(3) of the Federal Rules of Civil Procedure, the parties to the above-captioned action jointly submit this proposed Case Management Plan and Scheduling Order. All parties met and conferred via teleconference on February 13, 2025 and exchanged additional email correspondence over the following weeks, and this report was prepared based on those discussions. The parties have agreed to the following case management plan:

- 1. Referral to Magistrate Judge:** The parties do not consent to conducting all further proceedings, including motions and trial, before a United States Magistrate judge.
- 2. Amendment to Pleadings:** Any motion to amend or to join additional parties shall be filed within thirty (30) days from the date of this Order, except that (i) amended pleadings may be filed at any time with the opposing party's written consent pursuant to Fed. R. Civ. P. 15(a)(2), and (ii) within seven (7) days of their counsels' appearance in this action, Defendants Artis and Gavzie may amend their Answers (Dkts. 36-37) in accordance with their January 27, 2025 agreement to withdraw the Second, Fourth, Fifth, Seventh, Eighth and Tenth Affirmative Defenses (Dkt. 53).
- 3. Settlement Discussions:** The parties have engaged in settlement discussions and do not presently expect further discussions will be productive without at least some discovery. The parties will continue to engage in settlement discussions.

A. Alternative Dispute Resolution Mechanism: The parties propose referral to a Magistrate Judge for a settlement conference as an alternative dispute resolution mechanism for this case in the event that their settlement discussions advance to a stage in which the parties believe an alternative dispute resolution would be helpful. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

4. Electronically Stored Information: The parties have been instructed to preserve all documents, information and electronically-stored information that are potentially relevant to this action. The parties are in the process of discussing a protocol for the production of electronically-stored information and expect to reach agreement prior to commencing their respective productions.

5. Fact Discovery Deadlines: All fact discovery must be completed by November 26, 2025. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York, including without limitation, Local Rules 26.3, 26.4 and 33.3.

A. Initial Disclosures: The parties will exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before March 28, 2025.

B. Confidentiality Stipulation and [Proposed] Order: The parties are in the process of discussing the terms of a Stipulation and [Proposed] Order of Confidentiality and will submit the document to the Court promptly after these discussions have concluded and, in any event, no later than March 28, 2025.

C. Document Requests: Initial requests for the production of documents shall be served on or before April 18, 2025. All subsequent requests for production must be served no later than 60 days prior to the close of fact discovery.

D. Interrogatories: Initial sets of interrogatories shall be served on or before April 18, 2025. All subsequent interrogatories must be served no later than 45 days prior to the discovery deadline. Unless otherwise ordered by the Court, contention interrogatories will be served consistent with Rule 33.3(c) of the Local Rules of the Southern District of New York.

E. Requests for Admission: Requests for Admission must be served no later than 45 days prior to the close of fact discovery.

F. Depositions: Depositions shall be completed by the close of fact discovery.

G. The interim deadlines set forth in paragraphs 5(A) through 5(F), above, may be extended by the parties on consent without application to the Court, provided any extension does not affect the deadline for the close of fact discovery.

6. Expert Discovery: All expert discovery, including expert depositions shall be completed no later than January 19, 2026.

A. No later than thirty (30) days before the close of fact discovery, the parties shall submit to the Court a proposed schedule containing interim deadlines for expert discovery, including expert reports and rebuttal reports pursuant to Fed. R. Civ. P. 26(a)(2) and expert depositions. Any such proposed schedule will provide for the close of all expert discovery by January 19, 2026.

B. In the event the parties agree that no expert discovery is required in this action, they shall promptly—and in any event, no later than thirty (30) days before the close of fact discovery—notify the Court and submit a revised proposed schedule with amended deadlines accordingly.

7. **Pre-Trial Motions:** All motions and applications shall be governed by the Court's Individual Practices, including the pre-motion conference requirements set forth in Individual Practice 2B.

A. **Summary Judgment Motions:** Any request for a pre-motion conference concerning an anticipated motion for summary judgment must be filed no later than February 9, 2026 (21 days from the completion of all discovery).

8. **Jury:** This case is to be tried to a jury.

9. **Estimated Length of Trial:** The parties' best estimate of the length of the trial is seven (7) days.

Dated: March 4, 2025

SECURITIES AND EXCHANGE
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Dated: March 4, 2025

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Dated: March 20, 2025
New York, New York

Naomi Reice Buchwald
NAOMI REICE BUCHWALD
United States District Judge